

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER  
THURSDAY, AUGUST 21, 2008, 1:00 P.M.**

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**CALL TO ORDER**

Gary Goodchild, Vice Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl (arrived at 1:05 p.m.)	Gary Goodchild	Jim Siepmann
	Walter Kolb	Bonnie Morris	Bill Mitchell

Commission

Members Absent: Walter Baade

Staff

Members Present: Dale Shaver, Director, Department of Parks and Land Use  
Duane Grimm, Park System Manager  
Sandy Scherer, Senior Planner  
Amy Barrows, Senior Land Use Specialist  
Kathy Brady, Secretary Supervisor  
Nadezda Igumensheva, Landscape Architect Intern  
Jessica Gibeault, Natural Land Management Intern

Guests Present: Dick Sherer, Deep River Partners, Ltd.  
Brian Witteman, Deep River Partners, Ltd., Project Architect  
Kevin Frisinger

**CORRESPONDENCE:** None.

Mrs. Haukohl arrived at the meeting.

**MINUTES:**

- *Mrs. Morris moved, seconded by Mr. Siepmann, and carried unanimously for approval of the July 31, 2008, Minutes.*

**MEETING APPROVAL:**

- **Schedule Commission meeting dates for January 2009 through June 2009**

The Commission decided on the following meeting dates:

January	15 and 29 (if needed)
February	5 and 19
March	5 and 19
April	2 and 16
May	7 and 21
June	4 and 18

**PUBLIC COMMENT**

Vice-Chairperson Goodchild asked if anyone from the audience wished to address the Commission?

Mr. Shaver, Director, Department of Parks and Land Use welcomed Mr. Mitchell and thanked him for agreeing to serve on the Waukesha County Park and Planning Commission.

With no other public comment, he moved to the next item on the agenda.

**SCHEDULED MATTER:**

- **1:05 p.m.      Quarterly Park System Update by Duane Grimm, Park System Manager**

Mr. Grimm indicated the overall park revenues were down for the season due to the rain soaked month of June and the economy. Picnicking, camping and boat launch (slow/no wake restrictions) activities were affected as were daily entrance fees throughout the park system. However, the overall sale of annual park stickers was up.

Minooka Park continues to see good use of the dog exercise areas and last winter there was good snow for sledding and skiing, which resulted in entrance fees being up \$31,000.00 this year. Spooka Minooka is scheduled for October 24, 2008, in conjunction with City of Waukesha. It is the fifth year for the event.

The beaches have done well this year except for the month of June. Most of the beaches are closed at this point, however, Muskego beach will be open until August 31, 2008. Most of the lifeguards are students who need to go back to school. The public is not allowed to utilize the beaches in the parks once the beach areas are closed.

The Ashippun Lake access ramp and dock are completed. Signage and landscaping work need to be finished in the area.

The Lake Country Trail (crossing at Hwy 83) will be deferred until the year 2010, to be done in concert with another Hwy 83 project.

Saturday, August 23, 2008, is the Fall Native Plant sale at Retzer Nature Center. Following the plant sale, an informational presentation and discussion will be held by author Mariette Nowak, addressing topics within her book, "Birdscaping in the Midwest, a Guide to Gardening with Native Plants to Attract Birds".

Apple Harvest Fest will take place on Saturday, September 20, 2008.

There were several large events scheduled at Naga-Waukee Park this past summer. The Lake Country Arts Festival and Blues Fest events went well and indicated they would like to come back next year. The Colonial Encampment is scheduled for October 4 and 5, 2008. For the Colonial Encampment event, notices are being sent to the surrounding neighbors so they are aware of the event including the re-enactment with cannons and guns.

The Parks Division had three summer interns working for the department this year. Projects were completed that due to the workloads of the regular staff may have been overlooked. Ms. Berg, Public Relations Intern (not able to attend the meeting today) is a student at UW Marquette, majoring in International Business with a marketing major and a minor in Spanish. Her duties included, helping with

many of the events this summer such as Taste of Summer and the Waukesha County Fair. She handled many of the press releases, promoted Apple Harvest Fest activities, updated the Parks System website, promoted Moor Downs Golf Course to improve usership and recruited sponsorships for the ice arenas.

Mr. Grimm introduced Ms. Igumenshcheva, Landscape Architect Intern who has a Masters Degree in Urban Planning from the University of Buffalo and a Masters Degree from South Ural State University in Russia. She presented a powerpoint presentation showing many of the projects she worked on this summer, including a shade structure design for the Nashotah Park dog exercise area, a planting plan for an outdoor garden at Camp Pow Wow (Menomonee Park), landscape design for a new planting bed for the ADRC building entrance and other miscellaneous projects.

Mr. Grimm introduced Ms. Gibeault, Natural Land Management Intern who is a student at the University of Wisconsin Stevens Point majoring in Land Use Planning with a minor in GIS. The main focus of her work was to work with volunteer groups and to review the natural management plans with respect to volunteers. She presented a powerpoint presentation showing many of the projects she coordinated this summer, including student groups volunteering at Retzer Nature Center (pulling Garlic Mustard and Dames Rocket), Eagle Scout projects including building bat houses at Fox Brook Park, hawk poles at Minooka Park and a swing set at Camp Pow Wow, wood chipping the trails at Retzer Nature Center, replanting landscape areas at Eble Ice Center, replanting the area at the Fox Brook entrance hut and replanting the area at the Communication Center.

The Commission thanked Mr. Grimm and the interns for the informative discussion.

• **(Kevin & Sheila Frisinger) Town of Delafield, Section 22**

Ms. Scherer presented the “Staff Memorandum” dated August 21, 2008, and made a part of these Minutes. She pointed out the location of the property in the Town of Delafield at W305 N1552 Silverwood Lane, in the Arbors Subdivision, on the aerial photograph and stated the petitioner is requesting a revision to a building envelope located in the Primary Environmental Corridor.

(Note: The colors mentioned in the text below, yellow, blue or green refer to the “Proposed Building Envelope Plan” – Exhibit D of the Staff Memorandum dated August 21, 2008.)

Ms. Scherer indicated the residence built on the property in 1991 has been removed. She pointed out on Exhibit “D” of the “Staff Memorandum”, the area of the original building envelope approved with the subdivision plat (yellow), the approximate area disturbed in 1991 when the Park and Planning Commission approved a revised building envelope (green) and the Planning and Zoning Division’s current modified recommended building envelope (blue). The petitioner’s are requesting to utilize the original building envelope approved with the subdivision plat (yellow).

Mrs. Haukohl asked about the Restoration Plan? Ms. Scherer pointed out on Exhibit “D”, that the petitioner is proposing to remove approximately 50 trees (4” or greater in diameter) and replant approximately 54 trees. Mrs. Haukohl asked how the Staff would like the petitioner to restore the disturbance (green)? Ms. Scherer replied, the property should be restored to a condition as the area currently surrounding it is. Ms. Barrows said the petitioner’s Restoration Plan shows the replacement of quite a few trees, but some are not as desirable as the trees proposed to be removed. The County and the Town would like to see a “forestry type” of environment, including a mix of trees, shrubs and herbaceous layer. Mrs. Haukohl pointed out that the original owners of the property were allowed a change in the original building envelope (yellow) and removed many trees. Now, the petitioner has removed the 1991 residence and would like to remove additional trees in the original building envelope (yellow). She

expressed concerns that the proper restoration occur. Ms. Barrows said it is conditioned that the Restoration Plan will be recorded with a Deed Restriction in perpetuity in the Register of Deeds Office. She indicated the Staff's recommended building envelope (blue) excludes an area of many oak and walnut trees. Mrs. Haukohl questioned why the petitioner cannot build the new house where the former residence was on the property (green) without removing additional trees?

Mr. Sherer, from Deep River Partners, Ltd., architects and interior designer's for the petitioner, introduced himself and Mr. Witteman, Project Architect. He indicated the goals were to design a project respectful to the natural sight contours, design within the legal Deed Restricted area at the time the subdivision was platted (yellow), replace more trees than were to be removed and replace the trees on the site that are in jeopardy, reduce the invasive species, create a design that commensurates with other homes in the neighborhood and reduce the open area by 50% and still have an area for outdoor play, where the 1991 residence was located (green). He described the contours and slopes, and existing open areas on the site. The design would need to be safe topographically, because the petitioner has a special needs child that needs daily bus transportation and the bus needs to be able to turn around in the driveway. Initial research showed the legally defined buildable area and a residence was designed to fit the envelope (yellow). The Town indicated there would be no County requirements because they were within the legally defined building envelope (yellow). The Town then indicated there was a discrepancy as to what the buildable area really was and County approval would be needed. The Arbors Homeowners Association approved the proposed plan and the Town approved the proposal with the exception of the existing open area (where the 1991 residence was) (green). The Town has not yet acted on the Restoration Plan. He interpreted the 1991 Park and Planning Commission decision letter and were led to believe that permission was granted to go outside of what was restricted. The only legally defined building envelope is the original one approved with the Subdivision Plat (yellow).

Vice Chairperson Goodchild asked if the area being disturbed (yellow) combined with the area that was disturbed when the residence was built in 1991 (green) was greater than the square footage allowed in the Primary Environmental Corridor? Ms. Scherer replied that she did not think it was calculated but indicated it would be more than 15%.

Mr. Sherer said, in conclusion, the proposed new house location is positive for the neighborhood and is centrally located on the lot to maintain a good natural buffer and similar setbacks, the flattest section of the lot is being utilized to minimize the topographical disturbance, access to the dwelling would be improved for their special needs issues, areas outside of the building envelope (yellow) are not being disturbed, a tree survey has been submitted and of the 53 trees proposed to be removed, 28 are Red Oaks and are currently experiencing or will be experiencing oak wilt in the near future.

Chairperson Haukohl asked, if the request was not approved, what would be the status of the property? Ms. Scherer replied, the petitioner would have to use the revised building envelope (green) from 1991. Vice Chairperson Goodchild said he has seen requests like this before and if the building envelope has been changed, the original one platted no longer exists. Mr. Mitchell said the petitioner refers to the original building envelope (yellow) as the legally defined building envelope. He asked if something was not done and why the original building envelope (yellow) was still showing up rather than the 1991 revised building envelope (green)? Mr. Sherer responded, the Park and Planning Commission decision letter from August 5, 1991 states the Commission reviewed the proposed revisions to the building envelope restrictions. He felt an exception to the previously defined restriction was approved, and as he understood it, the Commission gave permission to build outside the defined envelope, not create a new envelope that is legally defined.

Mr. Frisinger, petitioner, said when he purchased the property the original building envelope (yellow) was shown on the Deed and the survey. They proceeded to design the new residence based on that fact. He indicated that no document was ever recorded showing a revised building envelope (green), and had he known there was another envelope the design would have been completely different. His request is to go back to the original building envelope (yellow). Mr. Sherer added that they believed because there was no defined boundary, the former owners may have been granted an exception to go outside of the restriction. Mr. Siepmann asked if a Deed Restriction was required by the County? Mr. Sherer replied that fact was brought up at the Town meeting and someone failed to do their homework. Ms. Barrows added that it was not required by the County. She said that in 1991 the Commission probably did not think the building would be torn down and relocated 12 years later. She wondered why no one inquired that the 1991 residence was not in the original approved building envelope (yellow). Mr. Kolb asked if the Town unanimously voted to approve the original building envelope (yellow) without the 1991 revision (green). Mr. Frisinger replied, "Yes", subject to the existing (revised) building envelope (green) being restored to a forested condition and an updated Landscape/Restoration Plan. Mr. Mitchell said because the revised building envelope (green) was not recorded, he felt it would be hard to enforce.

Mr. Siepmann said it may be worthwhile to shrink the building envelope (yellow) to what the petitioner is proposing and some of the woods could be saved in the old building envelope (yellow), documented with a Deed Restriction. He cautioned that it would limit future additions to the new residence. Mr. Frisinger said, with a special needs child they need to have the building envelope moved because it would be difficult for a bus to pick up and turn around in the driveway. Vice Chairperson Goodchild clarified there is no registered document of the 1991 revised building envelope, only the August 5, 1991, Park and Planning Decision letter. He further clarified Mr. Siepmann's suggestion that to amend the existing envelope from the original plat (yellow) in an area other than the current modified building envelope (blue) would cause a hardship for the petitioner because a bus would not be able to turn around in the driveway. Mr. Siepmann suggested the building envelope (yellow) could be reduced to 15' around the improvement, including the driveway, house, pool, etc. which would offset the trees already taken out and save some trees. The proposal is to remove 53 trees of unknown caliper and that type of vegetation could not be replaced immediately.

Chairperson Haukohl asked why the new residence needs to be located in the original building envelope (yellow) and if the 1991 residence was removed before the petitioner purchased the property? Mr. Frisinger replied that a 35' turn is needed to get into the garage and the hill is also an issue and added that the residence was not removed at the time of purchase. He was unsure regarding Mr. Siepmann's suggestion to reduce the building envelope to 15' around the new residence and would need to look at the revision. Ms. Barrows pointed out that the Town Plan Commission would also need to reconsider their decision. Chairperson Haukohl said she would prefer that the Planning and Zoning Division Staff rework the building envelope based on Mr. Siepmann's suggestion and have the Town Plan Commission review it and place the matter on the next Park and Planning Commission meeting. She would like to see exactly how many trees are to be removed and the Restoration Plan. Vice Chairperson Goodchild explained the options presented so far. The Planning and Zoning Division Staff will review the 15' reduction in the building envelope (yellow) and present it at the September 4, 2008, Park and Planning Commission meeting. Mr. Sherer requested the Park and Planning Commission approve the request today with contingencies and have the Town of Delafield Plan Commission review it at their meeting on September 2, 2008, so the project could commence. Chairperson Haukohl and Vice Chairperson Goodchild were reluctant to approve the request today, however, suggested it be placed on the September 4, 2008, Park and Planning Commission meeting agenda for final approval.

**Original Motion**

*After discussion, Mr. Siepmann moved, seconded by Mr. Kolb to approve the petitioner's request with the following modifications as suggested by the "Staff Memorandum" except , the original building envelope approved with the Subdivision Plat shall be reduced to 15' around the perimeter of the new building, including improvements such as the driveway, pool and patio's. In addition, the Commission recommended that the Town of Delafield approve the building envelope as revised above including the petitioner's original Restoration/Landscape Plan (Exhibit "E").*

*There was additional discussion regarding the purpose of reducing the original building envelope to 15', which was so that the 1991 revised building envelope could remain somewhat open for yard area and not have to be fully restored.*

**Amendment to the Original Motion**

*After further discussion, Mr. Mitchell moved, seconded by Mrs. Morris to amend Mr. Siepmann's motion stating the Park and Planning Commission conditionally approve the request subject to the Planning and Zoning Division Staff preparing a final recommendation based on the modifications made in the original motion. The matter would be placed on the September 4, 2008, Park & Planning Commission meeting agenda and the Commission would then have final approval. The amendment to the original motion was carried unanimously.*

*The original motion carried by a vote of 5 to 1 (Mrs. Haukohl voting "No").*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Haukohl moved, seconded by Mr. Mitchell to adjourn at 2:55 p.m.*

Respectfully submitted,

Bonnie Morris  
Secretary

BM:kab